

DIVISION

DEP &amp; RET



2007 JUN 22 PM 12: 21

PATENT

ATTORNEY DOCKET NO.: 040894-7016

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Katsunori ONISHI

Application No.: 10/806,475

Filed: March 23, 2004

For: DISK APPARATUS

Confirmation No. 1702

Group Art Unit: 2627

Examiner: Castro, A.

MS 16 - Request for Refund

Director of the United States Patent and Trademark Office

MS 16 - Request for Refund

Alexandria, VA 22314

Sir:

**REQUEST FOR REFUND UNDER 37 C.F.R. § 1.26**

This is a request for a refund, with respect to particular charges to Deposit Account No. 50-0310, as shown on page 12 of 33 of the attached Deposit Account Statement for the month of January 2007 for the above identified application. Pages 1 and 12 of the Deposit Account Statement are attached.

On January 5, 2007, Applicants filed a Petition for Withdrawal from Issue, A Request for Continued Examination, and an Information Disclosure Statement with authorization to charge Deposit Account No. 50-0310. Due to delivery confusion of the courier, these papers were re-filed via the Electronic Filing System (EFS) of the USPTO. Thus, these papers were filed in duplicate on the same date.

Adjustment date: 07/06/2007 HGE0REN1  
 01708/2007 CKHLOK 00000002 500310 10006475  
 01 FC:1464 130.00 CR  
 Adjustment date: 07/06/2007 HGE0REN1  
 01708/2007 CKHLOK 00000002 500310 10006475  
 02 FC:1001 790.00 CR

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As shown on the January 2007 Deposit Account Statement, the fees for the RCE and the Petition were each charged twice. However, Applicants' undersigned representative respectfully submits that it is clear that the fees should have only been charged once because the record was clear that the later processed filing was duplicative. (For example, upon processing of the second filing, the RCE would be improper because the first RCE had already been processed. That is, at the time of processing the second filing, prosecution on the merits would have been already re-opened by the first RCE, thereby rendering the second RCE improper.) As such, the second set of fees should not have been charged.

Accordingly, Applicants' undersigned representative respectfully requests a refund of the second set of fees \$920.00 (\$790.00 + \$130.00) which was charged or, if the Office deems the charge to be correct, an explanation of the charge. Please make the refund by crediting Deposit Account No. 50-0310 in the amount of \$920.00.

Respectfully submitted,

**MORGAN, LEWIS & BOCKIUS LLP**

By: 

Robert J. Goodell

Reg. No. 41,040

Date: June 21, 2007

Customer No. 009629

**MORGAN, LEWIS & BOCKIUS**

1111 Pennsylvania Avenue, N.W.

Washington, D.C. 20004

Telephone: 202-739-3000

Facsimile: 202-739-3001

**United States  
Patent and  
Trademark Office****Deposit Account Statement**

Requested Statement Month:

January 2007

Deposit Account Number:

500310

Name:

MORGAN LEWIS &amp; BOCKIUS LLP

Attention:

BERNADETTE ROBERTSON

Address:

1111 PENNSYLVANIA AVE, N.W.

City:

WASHINGTON

State:

DC

Zip:

20004

Country:

UNITED STATES

DATE	SEQ	POSTING REF TXT	ATTORNEY DOCKET NBR	FEE CODE	AMT	BAL
01/03	9	11646270	0B-051900US	1011	\$300.00	\$94,69
01/03	10	11646270	0B-051900US	1111	\$500.00	\$94,19
01/03	12	11646270	0B-051900US	1202	\$600.00	\$93,59
01/03	11	11646270	0B-051900US	1311	\$200.00	\$93,39
01/03	13	11646270	0B-051900US	1201	\$200.00	\$93,19
01/03	364	PCT/US06/62714	63266-5014WO	1601	\$300.00	\$92,89
01/03	365	PCT/US06/62714	63266-5014WO	1701	\$1,008.00	\$91,89
01/03	366	PCT/US06/62714	63266-5014WO	1703	\$192.00	\$91,69
01/03	367	PCT/US06/62714	63266-5014WO	1704	\$2,059.00	\$89,64
01/03	1511	PCT/US06/62731	60963-5182WO	1601	\$300.00	\$89,34
01/03	1514	PCT/US06/62731	60963-5182WO	1704	\$2,059.00	\$87,28
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01/03	1789	11618457	67461-5121US06	1081	\$250.00	\$85,54
01/03	1787	11618457	67461-5121US06	1111	\$500.00	\$85,04
01/03	1788	11618457	67461-5121US06	1311	\$200.00	\$84,84
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01/03	1841	11618472	67461-5121US07	1311	\$200.00	\$83,84
01/03	1842	11618472	67461-5121US07	1081	\$250.00	\$83,59
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01/08 2728 60883784	P4307USP1/63266-5057PR	1005	\$200.00	\$98,88
01/08 2729 60883785	P4310USP1/63266-5060PR	1005	\$200.00	\$98,68
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01/08 3 10806475	040894-7016 Petition fee	1464	\$130.00	\$94,95
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01/08 22 10806475	040894-7016 RCE	1801	\$790.00	\$93,37
01/08 23 10806475	040894-7016 Petition fee	1464	\$130.00	\$93,24
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01/08 98 11647203	064991-5016	8021	\$40.00	\$84,16



**United States  
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**Requested Statement Month:**

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